IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.(L) 1656 OF 2006

M/s. N.B. Enterprises & Anr. .... Petitioner

Vs.

Union of India & Ors. ... Respondents

Mr. G.B. Kedia for Petitoenr.

Mr. Y.S. Bhate with Mr. A.N. Sawant for R. nos. 1 to 5.

Ms. Patrawala i/by Divya Shah & Associates for R. No. 6.

CORAM: F.I. REBELLO &
MRS.V.K.TAHILRAMANI,JJ.
DATE : 28th July, 2006

P.C.:

. On instructions, the learned counsel for Respondent No. 6 points out that the tender issued in respect of the premises occupied by the Petitioner as there were no bids has lapsed. Once that be the case, part of cause of action based on which the Petitioner has moved this court, no longer survives. The grievance of the Petitioner is that the period of five years has not expired. If that be so, the Petitioner to make representation to Respondent No. 6 and Respondent No. 6 to consider the same according to law.

. The Petitioner has also challenged the policy of the Railways in the matter of catering policy 2005. Considering that, tender is lapsed, in our opinion, we need not to go into that issue. However, liberty to the Petitioner in the event fresh tender is issued to raise all challenges raised in this petition including the challenge to railway policy.

With these observations, Petition disposed of.

(MRS.V.K.TAHILRAMANI,J.) **(F.I.REBELLO, J.)**